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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations further amend the Working Time Regulations (Northern Ireland) 1998, [S.R. 1998 No. 386](#) as amended by [S.R. 1998 No. 422](#) and [S.R. 1999 No. 133](#), which implement Council Directive [93/104/EC](#) concerning certain aspects of the organisation of working time (O.J. No. L307, 13.2.93, p. 18).

Regulation 4 amends regulation 4 of the 1998 Regulations, which limits the maximum weekly working time of workers to an average of 48 hours, and regulation 5 of those Regulations, which provides for that limit not to apply in relation to a worker who has agreed to exclude it. The effect of the amendments is to replace detailed requirements imposed on the employer of workers who have agreed to exclude the limit with a requirement, reflecting terms which appear in the Directive, to keep up to date records of such workers.

Regulation 5 amends regulation 20 of the 1998 Regulations, under which workers whose working time is not measured or predetermined, or who can themselves determine the duration of their working time, are excepted from provisions of the Regulations relating to weekly working time, night work, rest periods and breaks. The amendment adds a further paragraph, applicable to cases where a worker's working time is partly measured, predetermined or determined by the worker and partly not. In such cases, the provisions relating to weekly working time and night work will only apply in relation to that part of the worker's work which is measured, predetermined or cannot be determined by the worker himself.

Regulation 6 inserts an additional regulation 34A in the 1998 regulations, requiring the Department of Higher and Further Education, Training and Employment to consult the two sides of industry and to publish information and advice enabling those affected by the 1998 Regulations to understand their respective rights and obligations under them.